



Plenary sitting

B8-1347/2016

13.12.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on mass graves in Iraq
(2016/3028(RSP))

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on behalf of the EFDD Group

**European Parliament resolution on mass graves in Iraq
(2016/3028(RSP))**

The European Parliament,

- having regard to its previous resolutions of 27 February 2014 on the situation in Iraq, of 18 September 2014 on the situation in Iraq and Syria, and the IS offensive, including the persecution of minorities, of 27 November 2014 on Iraq: kidnapping and mistreatment of women, of 12 February 2015 on the humanitarian crisis in Iraq and Syria, in particular in the IS context, of 12 March 2015 on recent attacks and abductions by ISIS/Daesh in the Middle East, notably of Assyrians, and of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh,
- having regard to Council conclusions of 23 May 2016 on the EU Regional Strategy for Syria and Iraq as well as the Da'esh threat,
- having regard to Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes,

having regard to the Public Hearing on “Public International Law perspectives on the prosecution of Daesh's crimes against women and girls before international jurisdictions” of the Committee on Legal Affairs and the Committee on Women's Rights of the European Parliament of 13 October 2016,
- having regard to the Resolution 2091 (2016) ‘Foreign fighters in Syria and Iraq’ adopted by the Parliamentary Assembly of the Council of Europe on 27 January 2016,
- having regard to the recent UN Security Council resolutions on Iraq and Syria, including Resolution 2249 (2015) condemning terrorists attacks by ISIS,
- having regard to the statement of the UN High Commissioner for Human Rights, Navi Pillay, of 25 August 2014 on ‘Iraqi civilians suffering “horrific” widespread and systematic persecution’,
- having regard to the Analysis Framework by the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG),
- having regard to the Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups, of 27 March 2015, in particular paragraph 16 thereof on ‘Violations Perpetrated by ISIL – Attacks against religious and ethnic groups’,
- having regard to the statement of 12 August 2014 by the Special Adviser of the UN Secretary-General on the Prevention of Genocide and the Special Adviser of the UN Secretary-General on the Responsibility to Protect on the situation in Iraq,

- having regard to the statement of 13 October 2015 by the Special Adviser of the UN Secretary-General on the Prevention of Genocide,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948,
 - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
 - having regard to the Rome Statute of the International Criminal Court, in particular Articles 5 to 8 thereof,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas, on November 7, 2016, a mass grave has been discovered near Mosul by Iraqi Security Forces, containing the bodies of at least 300 former local police officers executed by the Islamic State; whereas during the last days, at least other two mass graves has been discovered near the Shababit junction in northwestern Iraq, by Kurdish Peshmerga forces, containing the bodies of at least 18 members of Iraq's Yazidi minority;
- B. whereas several mass graves were found after Kurdish forces retook areas north of Mount Sinjar by December 2014, after Daesh had attacked Yazidi communities around Sinjar city, reportedly killing thousands of them; and whereas additional mass graves were discovered when the Kurdish forces retook Sinjar city, last November;
- C. whereas, in total, up to 15,000 victims were reportedly buried in 72 mass graves;
- D. whereas the mentioned Region and the surrounding ones have been the ancestral homeland of Yazidis, and other religious minorities, living there peacefully for centuries
- E. whereas the grave, large-scale and persistent human rights violations committed by Daesh have the clear intent to destroy some clearly specified ethnic and religious minorities, among which Yazidi People
- F. whereas religious and ethnic minorities, such as Christian (Chaldean/Syriac/Assyrian, Melkite and Armenian), Yazidi, Turkmens, Shabak, Kaka'i, Sabae-Mandean, Kurdish and Shi'a communities, as well as many Arabs and Sunni Muslims, have been targeted by the so-called Daesh; whereas many have been killed, slaughtered, beaten, subjected to extortion, abducted and tortured; whereas they have been enslaved (in particular women and girls, who have also been subjected to other forms of sexual violence) and forcibly converted, and have been victims of forced marriage and trafficking in human beings; whereas girls as young as six have been raped and children have been forcibly recruited as soldiers for the so-called Daesh; whereas mosques, monuments, shrines, churches and other places of worship, tombs and cemeteries have been vandalised;
- G. Whereas the acts aforementioned, committed by Daesh members, clearly amount to war crimes, crimes against humanity and genocide, as already underlined by several reports by

UN bodies, including the Special Adviser of the UN Secretary-General on the Prevention of Genocide, the Special Adviser of the UN Secretary-General on the Responsibility to Protect and the Office of the United Nations High Commissioner for Human Rights, and denounced by the Parliament, on 4 February 2016, by declaring that Daesh is committing genocide against Christians and Yazidis and other religious and ethnic minorities,

- H. Whereas several local organizations have denounced and documented the international crimes committed by Daesh and the fact that no international forensic experts have conducted work in the area, despite political support for such a mission from a variety of countries,
- I. whereas genocide, crimes against humanity and war crimes, wherever and whenever they happen, must not go unpunished, and whereas their effective prosecution must be ensured, among others, by preserving evidence;
1. Recalls its strongest condemnation of the so-called Daesh and of the international crimes committed by it, amounting to crimes against humanity, war crimes and genocide, within the meaning of the Rome Statute of the International Criminal Court (ICC);
 2. Reiterates its strong support for the operation by Iraq to liberate the country from Daesh presence, in order to grant Iraq's independence, territorial integrity and sovereignty, and above all the cessation of every international crime;
 3. Recalls that all the parties involved have the duty to respect human rights and to act in the framework of international humanitarian law; calls the Iraqi authorities to take all feasible precautions to avoid civilian casualties and to protect civilians during the campaign;
 4. It's extremely concerned by the continuous discovering of new evident signs of heinous crimes still being committed by Daesh in the occupied territories, as part of its attempts to exterminate any religious and ethnic minorities from the areas under its control, deliberately targeting Christians (Chaldeans/Syriacs/Assyrians, Melkites, Armenians), Yazidis, Turkmens, Shi'ites, Shabaks, Sabbeans, Kaka'i and Sunnis who do not agree with their interpretation of Islam;
 5. Welcomes the Resolution A/HRC/32/CRP.2, of 15 June 2016, by means of which the UN Commission of Inquiry on Syria recommends that the Security Council as a matter of urgency, refer the situation to justice, possibly to the International Criminal Court or an ad hoc tribunal, bearing in mind that, in the context of the Syrian Arab Republic and the Republic of Iraq, only the Security Council is competent to refer the situation;
 6. Reiterates its call to the members of the UN Security Council to support a referral by the Security Council to the International Criminal Court in order to investigate violations committed in Iraq and Syria by the so-called 'ISIS/Daesh' against Christians, Yazidis and religious and ethnic minorities and express its concern for the inactivity of the Security Council in this respect;
 7. Urges each of the Contracting Parties to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, of 1948, and to other international agreements

for the prevention and punishment of war crimes, crimes against humanity and genocide, which are in any way supporting, cooperating in or funding, or are complicit in, these crimes, to wholly fulfil their legal obligations under the convention and such other international agreements and to stop these unacceptable behaviours, which are causing enormous damage to the Iraqi and Syrian societies and are seriously destabilising neighbouring countries and international peace and security;

8. Recalls that UN Security Council Resolution 2253 (2015) imposed a legal duty on UN member states to prohibit any kind of assistance to the so-called Daesh and other terrorist organisations, notably supplying arms and financial assistance, including the illegal oil trade, and urges them to make this kind of assistance a crime under domestic law; recalls that failure to act in consequence by some member states would constitute a violation of international law and endow other member states with a legal duty to implement the UN Security Council resolution by acting to bring the responsible individuals and entities to justice;
9. Recalls that the justice for victims of the mass killings, genocide, crime against humanity and war crimes committed by Daesh, is totally dependent on preservation of evidence, among which mass graves, and calls on the Iraqi authorities to take urgent steps to protect any sort of evidence, including gravesite;
10. Calls the attention of Iraqi authorities on the fact that exhumations without forensic experts can destroy critical evidence and greatly complicate the identification of bodies and asks them to invite international experienced forensic experts, to help preserve evidence;
11. Calls on the EU, its Member States and other potential international donors to help finance the preservation and analysis of evidence that could be vital in order to assess criminal and international criminal accountability, in judging onwar crimes, crimes against humanity and genocide;
12. Asks the Iraqi Government to consider a political priority the fulfilment of the right of return to their ancestral homeland for the displaced peoples of the mentioned Region and surrounding zones, when peace will be restored; asks the international community, the EU and Member State to support the said Government in the fulfilling of this goal;
13. Urges Iraq to sign and ratify the Rome Statute, becoming part of the International criminal court;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Government and Council of Representatives of Iraq, the Regional Government of Kurdistan, and the United Nations Secretary-General.